

Hearing Date and Time: July 22, 2010 at 10:00 a.m. (prevailing Eastern time)

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: :
: Case No. 05-44481 (RDD)
DELPHI CORPORATION, et al., : (Jointly Administered)
: Chapter 11
-----X
DELPHI CORPORATION, et al. :
:
Plaintiffs, :
: Adv. No. 07-02551 (RDD)
-against- :
:
VICTORY PACKAGING and :
VICTORY PACKAGING LP, :
:
Defendants. :
-----X

**VICTORY PACKAGING LP'S JOINDER TO
REPLIES SUBMITTED IN FURTHER SUPPORT OF CERTAIN MOTIONS FOR
ORDERS: (I) DISMISSING COMPLAINTS WITH PREJUDICE AND
(II) VACATING CERTAIN PRIOR ORDERS PURSUANT TO FED. R. CIV. P. 60 AND
FED. R. BANKR. P. 9024**

1. Victory Packaging LP ("Victory")¹, by and through its counsel, hereby submits

¹ The Debtors have named Victory Packaging as a defendant in the above-captioned proceeding, however, Victory Packaging is not a separate legal entity. Victory therefore has moved to have Victory Packaging struck from the complaint and the case dismissed against it. To the extent Victory packaging is not struck from the complaint and the case dismissed against it, this Joinder is equally applicable to Victory Packaging and all relief requested herein is also requested on behalf of Victory Packaging.

this Joinder in further support of its Motion for an Order: (I) Dismissing The Complaint With Prejudice, (II) Vacating Certain Prior Orders Pursuant to Fed. R. Civ. P. 60 And Fed. R. Bankr. P. 9024; and (III) In The Alternative, Requiring A More Definite Statement (the “Motion”) [Adv. Pro. Docket No. 20]².

STATEMENT OF FACTS

2. The Court is respectfully referred to the Motion and the Declaration of Benjamin Samuels in Support of Motion of Victory Packaging and Victory Packaging LP For An Order (I) Dismissing the Complaint with Prejudice, (II) Vacating Certain Prior Orders Pursuant to Fed. R. Civ. P. 60 and Fed. R. Bankr. P. 9024 and (III) In The Alternative, Requiring a More Definite Statement, executed the 16th day of April 2010, for a full recitation of the relevant facts as set forth therein. All facts set forth in the Motion are expressly incorporated herein.

JOINDER

3. Victory joins in, adopts and incorporates by reference the arguments made in the Reply Briefs of HP Enterprise Services, LLC, *et al.* (07-02262) [Bankruptcy Docket No 20331], Wagner Smith (07-02581) [Bankruptcy Docket No. 20306], Affinia Group Holdings, Inc., *et al.* (07-02198) [Bankruptcy Docket No. 20304], and by Johnson Controls, *et al.* (07-2348) [Bankruptcy Docket No. 20298]. Victory also joins in, adopts and incorporates by reference the arguments made in any other Reply briefs and papers submitted in accordance with this Court’s Order Establishing Certain Procedures With Respect To Pending Motions To Dismiss Adversary Proceedings, (the “Order”) by defendants in any other adversary proceedings in accordance with the Order.

² See p. 1, ¶ 3. All capitalized terms used, but not otherwise defined herein shall have the meaning ascribed to them in the Motion.

WHEREFORE, for the reasons set forth in the Motion and the Reply briefs and other papers submitted by other moving defendants, Victory respectfully requests that the Court: (i) dismiss the Complaint with prejudice, (ii) vacate the Extension Orders and the Modified Plan Confirmation Order as against Victory pursuant to Fed. R. Civ. P. 60(b), as made applicable by Fed. R. Bankr. P. 9024 or otherwise to the extent necessary to grant relief; and (iii) grant such other and further relief as requested in the Motion or as the Court may deem just and proper.

Dated: New York, New York
July 2, 2010

Respectfully submitted,

THOMPSON & KNIGHT LLP

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